

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Affolter et al.  
Appl. No.: 09/936,367  
Filed: September 11, 2001  
Title: EXPRESSION OF PROTEOLYTIC ENZYMES IN KOJI MOLD IN THE  
PRESENCE OF CARBON SOURCES  
Art Unit: 1645  
Examiner: Unknown  
Docket No.: 112843-29

Commissioner for Patents  
BOX PCT  
Washington, DC 20231

**REQUEST FOR FILING RECEIPT**

S I R:

Applicants are requesting the official filing receipt for the above-identified patent application. Applicants filed the above-identified patent application on September 11, 2001. Applicants received a Notification of Missing Requirements from the Patent Office dated October 30, 2001, a copy of which is attached hereto at Tab A. A Response to Notification of Missing Requirements submitting the executed Declaration and Power of Attorney and \$130.00 surcharge was mailed to the Patent Office on December 21, 2001. A copy of the Response to Notification of Missing Requirements documents is attached hereto at Tab B. The Patent Office received the Response to Notification of Missing Requirements on January 23, 2002 as is indicated on the date stamped return postcard, a copy of which is attached hereto at Tab C.

Applicants note that the computer readable form of the sequence listing was inadvertently omitted when they filed the Response to Notification of Missing Requirements. Applicants are submitting herewith a computer readable form of the sequence listing along with a hard copy of the sequence listing to complete their response to the Notification of Missing Requirements.

If any fees are due and owing with respect to this submission, the undersigned attorney authorizes the Patent Office to deduct said fees from Deposit Account 02-1818.


Applicants respectfully submit that the Patent Office consider the attached documents and issue an official filing receipt in due course.

If the Patent Office requires any further information or documentation, they are invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,


BELL, BOYD & LLOYD LLC

BY



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Robert M. Barrett  
Reg. No. 30,142  
P.O. Box 1135  
Chicago, Illinois 60690-1135  
Phone: (312) 807-4204

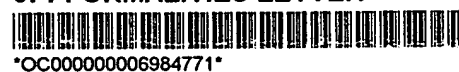
 <small>Combinator for Patent, Inc. PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov</small>		
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,367	Affolter	112843-029

Robert M Barrett  
 Bell Boyd & Lloyd  
 PO Box 1135  
 Chicago, IL 60690-1135

INTERNATIONAL APPLICATION NO.	
PCT/EP00/01796	
I.A. FILING DATE	PRIORITY DATE
03/02/2000	03/11/1999

CONFIRMATION NO. 4325  
 371 FORMALITIES LETTER



DUE: 12-30-01

Date Mailed: 10/30/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

**RECEIVED**  
 BELL, BOYD & LLOYD  
 INTELLECTUAL PROPERTY DOCKET

NOV 13 2001 <sup>TK</sup>

ATTY: RMB  
 DOCKET #: 112843-029

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason

(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- APPLICANT MUST PROVIDE:
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PATRICIA A BOOKER

Telephone: (703) 305-3738

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,367	PCT/EP00/01796	112843-029

## TRANSMITTAL LETTER TO THE UNITED STATES

1128 729

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

CONCERNING A FILING UNDER 35 U.S.C. 371

09/936,367

INTERNATIONAL APPLICATION NO.  
PCT/EP00/01796INTERNATIONAL FILING DATE  
2 March 2000PRIORITY DATE CLAIMED  
11 March 1999

## TITLE OF INVENTION

EXPRESSION OF PROTEOLYTIC ENZYMES IN KOJI MOLD IN THE PRESENCE OF CARBON SOURCES

APPLICANT(S) FOR DO/EO/US

Affolter et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office  
Return Receipt Postcard

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR <div style="text-align: center;">09/936,367</div>	INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/EP00/01796</div>	ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">112843-029</div>
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24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... **\$1040.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... **\$890.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... **\$740.00**
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... **\$710.00**
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... **\$100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☒ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =	0	x \$18.00
Independent claims	- 3 =	0	x \$84.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>

**TOTAL OF ABOVE CALCULATIONS =**

☐ Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

**SUBTOTAL =**

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

**TOTAL NATIONAL FEE =**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

**TOTAL FEES ENCLOSED =**

	Amount to be: refunded	\$
	charged	\$

**CALCULATIONS PTO USE ONLY**

a. ☒ A check in the amount of     \$130.00     to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No.     02-1818    . A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

**Robert M. Barrett, Esq.**  
**Bell, Boyd & Lloyd LLC**  
 P.O. Box 1135  
 Chicago, Illinois 60690-1135  
 Tel: (312) 807-4204

\_\_\_\_\_  
 SIGNATURE

**Robert M. Barrett**  
 NAME

**30,142**  
 REGISTRATION NUMBER

**December 21, 2001**  
 DATE

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
112843-29

In Re Application Of: Affolter et al.

Serial No.  
09/936,367

Filing Date  
September 11, 2001

Examiner  
Unknown

Group Art Unit  
Unknown

Title:

**EXPRESSION OF PROTEOLYTIC ENZYMES IN KOJI MOLD IN THE PRESENCE OF CARBON SOURCES**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith is:

**Transmittal Letter (duplicate); Response to Notification of Missing Requirements; Copy of Notification of Missing Requirements; Executed Declaration; Check in the Amount of \$130.00; and Return Receipt Postcard.**

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of \$130.00 is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 02-1818 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.



*Signature*

Dated: December 21, 2001

Robert M. Barrett (30,142)  
ATTORNEYS FOR APPLICANTS  
Bell, Boyd & Lloyd LLC  
P.O. Box 1135  
Chicago, Illinois 60690-1135


CC:

I certify that this document and fee is being deposited on 12/21/2001 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20531.

*Signature of Person Mailing Correspondence*

**Robert J. Buccieri**

*Typed or Printed Name of Person Mailing Correspondence*

 <small>Contributor For Patent, See PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov</small>		
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,367	Affolter	112843-029

INTERNATIONAL APPLICATION NO.
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PCT/EP00/01796

I.A. FILING DATE	PRIORITY DATE
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03/02/2000

03/11/1999

Robert M Barrett  
 Bell Boyd & Lloyd  
 PO Box 1135  
 Chicago, IL 60690-1135

CONFIRMATION NO. 4325

371 FORMALITIES LETTER



\*OC000000006984771\*

DUE: 12-30-01

Date Mailed: 10/30/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

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- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

**RECEIVED**  
 BELL, BOYD & LLOYD  
 INTELLECTUAL PROPERTY DOCKET

NOV 13 2001 <sup>TK</sup>ATTY: RMBDOCKET #: 112843-029

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason

(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
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  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PATRICIA A BOOKER

Telephone: (703) 305-3738

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,367	PCT/EP00/01796	112843-029

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**EXPRESSION OF PROTEOLYTIC ENZYMES IN KOJI MOLD IN THE PRESENCE OF CARBON SOURCES**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 2 March 2000 as United States Application No. or PCT International Application Number PCT/EP00/01796  
and was amended on 4/5/01 and 9/11/01

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

PCT/EP00/01796

WIPO

2 March 2000

☐

(Number)

(Country)

(Day/Month/Year Filed)

99104923.0

Europe

11 March 1999

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

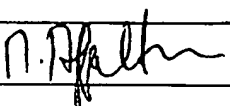


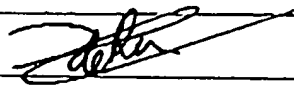
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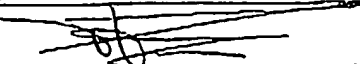
PATENT & TRADEMARK OFFICE

Send Correspondence to: **Robert M. Barrett**  
**Bell, Boyd & Lloyd LLC**  
**P.O. Box 1135**  
**Chicago, IL 60690-1135**

Direct Telephone Calls to: *(name and telephone number)*  
**Robert M. Barrett (312) 807-4204**

Full name of sole or first inventor <b>Michael Affolter</b>	
Sole or first inventor's signature 	Date <b>29/10/01</b>
Residence <b>Pully, Switzerland</b>	
Citizenship <b>Switzerland</b>	
Post Office Address <b>Chemin de Margerol 3B</b>	
<b>CH-1009 Pully, Switzerland</b>	

Full name of second inventor, if any <b>Johannes De Reu</b>	
Second inventor's signature 	Date <b>05/11/01</b>
Residence <b>Cheseaux, Switzerland</b>	
Citizenship <b>Netherlands</b>	
Post Office Address <b>Ch. de Champ Pamont</b>	
<b>CH-1033 Cheseaux, Switzerland</b>	

Full name of third inventor, if any <b>Peter Van Den Broek</b>	
Third inventor's signature 	Date <b>23/10/01</b>
Residence <b>Epalinges, Switzerland</b>	
Citizenship <b>Netherlands</b>	
Post Office Address <b>Le Grand Chemin 88</b>	
<b>CH-1066 Epalinges, Switzerland</b>	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	